REMARKS

Remarks About the Drawings:

Although Applicants respectfully disagree with the Examiner's assessment of the drawings, Applicants have further amended FIG. 7 to conform the location line 76 on the right-hand side to that shown on the left-hand side. Since the prior drawing amendment was not approved, Applicants have submitted again amended FIGS. 5 and 7, which are now consistent under the Examiner's interpretation. For all of these reasons, Applicants respectfully request that the drawing amendments be approved and entered.

Written Statement As To Substance of Interview:

Applicants gratefully acknowledge the Examiner's courtesy in conducting a telephone interview with the undersigned attorney on April 5, 2006. During the interview, the parties discussed claim 1 in view of the cited references. Applicants asserted the patentability of claim 1 for the reasons set forth below. In addition, the Examiner stated that one potential distinguishing feature relative to the cited art is the fact that the absorbent composite bridges the gap between first and second body panels, and is the *only* component that does so (see also Office Action at 6 ("It is noted that the claims do not require the garment having no crotch section or a crotch section formed only of the absorbent composite or only two body panels"). Although the Examiner reserved judgment as to whether such a recitation would render the claim allowable, Applicants submit that it does for the reasons set forth below.

Remarks About the Prior Art Rejections:

Applicants have cancelled claims 1-12, making claims 14 and 24 the only independent claims pending in this application. Applicants have amended claim 14, which now recites: (1) "longitudinally spaced first and second body panels each having a bodyside surface and at least two substrates," (2) "said terminal crotch edges of said substrates of said respective first and second body panels being longitudinally spaced and *forming a gap therebetween*," (3) "a *garment side* surface of said backsheet at said first end region of said absorbent composite is *directly* connected to *said bodyside surface* of said first body panel" and "a *garment side* surface of said backsheet at said second end region of said absorbent composite *is directly* connected to *said bodyside surface* of said second body panel," (4) "an *entirety* of each of said side

side margins overlapping said first and second body panels and positioned respectively between said free edge thereof and a corresponding one of said at least one first and second locations are *unattached to said bodyside surfaces* of said respective first and second body panels," and (5) "said absorbent composite is the *only component spanning said gap* between said terminal crotch edges of said first and second body panels." Claim 24 has similar recitations.

In the December 30, 2005 Office Action, the Examiner rejected claims 14 and 24 as being made obvious over Kao in view of U.S. Patent No. 5,745,922 to Rajala et al. and U.S. Patent No. 5,591,151 to Hasse et al. Applicants submit that the Examiner's rejections should be withdrawn for at least the following reasons.

As a threshold matter, Kao discloses that the portion of the side margin extending from the terminal edge of the absorbent composite is made up in part of the retention portion, or absorbent material, which can adversely affect the flexibility of the side margin. With respect to claims 14 and 24, the portions of the side margins of Kao overlapping the body panels would include the end portions, which again are made up in part of the absorbent material. Accordingly, at least a portion of the side margins of Kao are formed in part from the retention portion, and the claims should be passed to allowance on this basis alone.

Applicants note the Examiner's reference to page 9, lines 4-6 of Kao, which refers to the absorbent member 17 being made in a rectangular configuration. Even if the member is made in a rectangular configuration, however, there is no disclosure or suggestion, express or inherent, that the shape would necessarily be formed with the side edges of the absorbent member positioned inboard of the adhesive "A." Indeed, the absorbent member 17, when constructed in a rectangular shape, may overlap the adhesive locations "A" and form a portion of the *entirety* of the side margin. Accordingly, Kao fails to disclose or suggest the recitations of claims 14 and 24, and the Examiner's rejections should be withdrawn.

Moreover, Kao discloses in FIG. 3 that the end portions of the absorbent main body 3 are secured across the *entirety* of the end portions thereof. Accordingly, Kao does not disclose and in fact teaches against "an *entirety* of each of said side margins *overlapping said first and second body panels* and positioned respectively between said free edge thereof and a corresponding one of said at least one first and second locations are *unattached to said bodyside surfaces* of said respective first and second body panels," wherein "said side margins *extend from said first and second terminal edges* respectively." The side margins of Kao do not extend from the terminal

edges of the absorbent body 3, but rather from the lateral attachment locations shown in FIG. 3, which are longitudinally spaced from the terminal edges. Accordingly, claims 14 and 24 should be passed to allowance for this additional reason.

In addition, however, independent claims 14 and 24 each recite that the first and second body panels each have *at least two substrates*, and further that those substrates *each* have terminal waist and crotch edges. The claims further recite that "said terminal crotch edges of said substrates of said respective first and second body panels [are] longitudinally spaced and *[form] a gap therebetween,"* with "said absorbent composite [being] the *only component spanning said gap* between said terminal crotch edges of said first and second body panels." Moreover, Applicants have now recited in claim 14 that a "garment side surface of the backsheet" of the absorbent composite is "directly connected" to the bodyside surface of the body panels.

As acknowledged by the Examiner, Kao discloses a monolithically formed panel of inner and outer layers. In addition, the Examiner further acknowledges that Rajala discloses an *inner layer* formed of two panels. Rajala, however, does not disclose an inner *and outer* layer each formed of two panels. Rather, the outer panel 12 is *monolithic*, and spans the gap between the edges of the inner panel, so as to provide a "continuous" layer for applying the elastics and subsequent inner panel (whether monolithic or two-piece) (Col. 13, lines 26-36; Col. 15, lines 35-58; FIGS. 8-12). Moreover, the outer panel of Rajala does not constitute the recited backsheet component of the absorbent composite, since it has a "body side" surface secured to the "garment" side surface of the inner layer, not the other way around as recited in claims 14 and 24. Accordingly, Rajala and Kao do not disclose all of the recitations of claims 14 and 24 and the Examiner's rejections should be withdrawn for at least this reason.

The Examiner asserted that Hasse teaches that a layer can be formed from one or more substrates (Office Action at 6), but that has no bearing on the presently amended claims. Hasse does not satisfy any of the deficiencies of Kao and Rajala noted above, namely two spaced apart body panels bridged only by an absorbent composite having a backsheet directly connected to a body side surface of the body panels.

In addition to the references failing to disclose all of the limitations of claims 14 and 24, there also is no suggestion to make the panels of Kao and Rajala with at least two substrates having terminal crotch edges spaced apart to form a gap, with the absorbent body being the only

component spanning that gap. In particular, if both the layers of Kao were terminated along a crotch edge to form separate front and rear body panels, with no component spanning the gap except the absorbent body 3, then the body panels would not remain positioned relative to each other once the absorbent body 3 was removed. Since Kao teaches the importance of providing a chassis allowing for the ability to replace the absorbent member 17 and body 3 (page 10), Kao teaches against a modification making the garment unsatisfactory for its intended purpose (MPEP 2143.02). If the body panels are not tethered once the absorbent body 3 is removed, the user would not know where to position the body panels for a subsequent application of a replacement absorbent body 3. Accordingly, claims 14 and 24, and the claims depending therefrom, should be passed to allowance on the next office action for this additional reason.

New Claim 49:

New claim 49 recites that "said retention portion has an hour-glass shape." Currently, Kao discloses an hour-glass shape, but with the retention portion forming part of the side margin. There is no suggestion in Kao, or any other reference, to retain the hour-glass shape, but reduce its size so that it does not form part of the side margin. Accordingly, claim 49 is allowable over the cited references for this additional reason. No additional claims fees are due for the new claim.

CONCLUSION:

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully submitted,

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By: _____

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